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FM AMEMBASSY KIGALI
TO SECSTATE WASHDC 5539

UNCLAS KIGALI 000563

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: KCRM PGOV PREL RW

SUBJECT: GOVERNMENT OF RWANDA ASSURANCES ON BWINDI
DEFENDANTS RECEIVED

REF: KIGALI 552

¶1. (U) SENSITIVE BUT UNCLASSIFIED; PROTECT ACCORDINGLY.

¶2. (SBU) Embassy received the following Letters of
Assurance on Bwindi Defendants received from the Government
of Rwanda on August 18, 2008 (reftel).

¶3. (SBU) BEGIN TEXTS: The Government of Rwanda would like
to make the following guarantees and assurances in respect to
the Bwindi defendants named: 1. Leonidas Bimenyimana
Gregoire Nyaminani 3. Francois Karake

-- 1. The Government of Rwanda will provide MSSRs.
Bimenyimana, Nyaminani and Karake with all legal and
procedural guarantees provided for under the Rwanda
Constitution, Rwanda law, and Rwanda's international legal
obligations, including as party to the International Covenant
on Civil and Political Rights, and in accordance with the
provisions of Article 7.

-- 2. The Government further guarantees that strict
adherence to the principle of due process will be fully
respected to the letter in accordance with Rwanda Laws and on
the basis of International Law and international standards.

-- 3. The Government of Rwanda will grant access upon
requested; whether or not previously announced, to the U.S.
Embassy and/or an agreed upon third party to visit MSSRs.
Bimenyimana, Nyaminani and Karake during any period in which
they are in official custody.

-- 4. The Government understands that the circumstances may
require that sharing of such assurances with U.S. court, with
the Bwindi defendants and their representatives, and/or as
part of a public record of proceedings. Please accept the
assurances of my highest consideration.

Yours sincerely, Tharcisse Karugarama Minister of
Justice/Attorney General.

¶4. (SBU) Assurances of the Office of the Prosecutor
General on Bwindi Defendants Leonidas BIMENYIMANA, Gregoire
NYAMINANI and Francois KARAKE.

I, Martin NGOGA, Prosecutor General of the Republic of
Rwanda, offer the following guarantees and assurances in
respect to the Bwindi defendants named above.

-- A. Making reference to and endorsing the Assurances and
Guarantees conveyed by Minister of Justice and Attorney
General Tharcisse KARUGARAMA, the Office of the Prosecutor
General will not introduce into evidence in any prosecution
any statement made by MSSRs. BIMENYIMANA, NYIRAMINANI and
KARAKE obtained between 2001 and 2003 by Rwandan or United
States officials.

-- B. Investigation and prosecution of the three named
defendants will be conducted in accordance with the Rwandan
Constitution, Rwandan law, and Rwanda's international legal
obligations, including as a party to the International
Covenant on Civil and Political Rights, and in accordance

with the provisions of Article 7.

-- C. The Office of the Prosecutor General understands that circumstances may require that sharing of such assurances with a U.S. court, with the Bwindi defendants and their representatives, and/or as part of a public record of proceedings.

Martin NGOGA, Prosecutor General.

END TEXTS

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